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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/601,785

06/23/2003

Mark J. Radcliffe

MS303016.01

9508

69316 7590 01/26/2009

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EXAMINER

TRAN, MYLINH T

ART UNIT

PAPER NUMBER

2179

MAIL DATE

DELIVERY MODE

01/26/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/601,785	<b>Applicant(s)</b> RADCLIFFE ET AL.	
	<b>Examiner</b> MYLINH TRAN	<b>Art Unit</b> 2179	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 November 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14, 16-23 and 25-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14, 16-23, 25-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 11/04/08 has been entered.

Applicant's Amendment filed 11/04/08 has been entered and carefully considered. Claims 14, 28, 30, 38, 42, 47, 52 have been amended. However, the limitations of the amended claims have not been found to be patentable over prior art of record, therefore, claims 14, 16-23, 25-54 remain rejected under the same ground of rejection as set forth in the office action mailed 08/05/08.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United

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States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 14, 16-23, 25-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Stevenson et al. [us. 2004/0236864].

**As to claims 14, 27, 37, 41 and 54**, Stevenson et al. teaches a computer implemented method and corresponding apparatus for receiving a request for media data at a media access server (a software module) from a media access (page 2, 0012, media source) configured as module executable on the computer to provide a media selection mechanism to a plurality of said media access clients (pages 1-2, 0010- 0011 ); identifying one or more stored media items by the media access server (page 2, 0014); identifying one or more stored media lists by the media access server (page 2,0014, media type);

Identifying one or more media devices coupled to the computer by the media access server

and aggregating and categorizing information regarding the one or more stored media items and the one or more stored media lists and the one or more media devices by the media access server the media access client that are local to the computer (page 2, 0013-0014); receiving information regarding one or more media devices by the media access client from the media access server, wherein the media selection mechanism of the media access server is configured to provide information regarding the one or more media device to a

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plurality of skid media access clients (0010-0011 ); categorizing the information regarding the one or more media items and the one or more media devices by the media access client (0010); generating a user interface containing the categorized information by the user interface generator (0013); aggregating and categorizing information regarding the one or more stored media items and the one or more stored media lists and the one or more media devices by the media access server and displaying the aggregated and categorized information in a consistent manner by the plurality of said media access clients, one to another, using a common user interface (pages 1-2, 0010-0013).

**As to claim 53**, Stevenson also teaches categorizing the information regarding the one or more stored media items and the one or more stored media lists (page 1, 0010, 0081).

**As to claims 16 and 34**, Stevenson teaches the one or more stored media items including audio files (0010).

**As to claims 17 and 35**, Stevenson also teaches the one or more stored media items including video files (0010).

**As to claims 18 and 36**, Stevenson further teaches the one or more stored media items including streaming media links (0010).

**As to claims 19 and 49**, Stevenson teaches the one or more stored media lists including lists of audio files arranged by audio file artist (0048).

**As to claims 20 and 50**, Stevenson also teaches the one or more stored media lists including lists of audio files arranged by an album associated with the each

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audio file (0048)"

**As to claims 21 and 51**, Stevenson teaches the one or more stored media lists including lists of audio files arranged by a genre associated with the each audio file (0047).

**As to claims 22 and 30**, Stevenson also teaches identifying one or more stored playlists (0040); and providing information regarding the one or more stored playlists to the media access client (0040).

**As to claim 23**, Stevenson teaches the one or more stored playlists being user-specified playlists (0048).

**As to claim 25**, Stevenson teaches the one or more media devices being CD Players (0089).

**As to claim 26**, Stevenson teaches the one or more media devices being DVD players (0004).

**As to claims 28, 29 and 47**, the claims are analyzed as previously discuss with respect to claims 14 and 15.

**As to claim 31**, Stevenson also teaches receiving a user selection entered through the user interface (0013), wherein the user selection has an associated operation (0013); and communicating the associated operation to a media access server (0013).

**As to claim 32**, Stevenson teaches the media access server performing the associated operation (0013).

**As to claim 33**, Stevenson also teaches the associated operation being

playing a media item (0011).

**As to claim 38**, the claim is analyzed as previously discuss with respect to claims 14 and 24.

**As to claim 39**, Stevenson teaches receiving a request to perform an operation from the media access client; and performing the requested operation (0013).

**As to claim 40**, Stevenson also teaches performing the requested operation including playing a media item (0011).

**As to claims 42, 44**, Stevenson also teaches a first user interface generator coupled to the first media access client, wherein the first user interface generator generates a first user interface based on information received from the first media access client (0011); and a second user interface generator coupled to the second media access client, wherein the second user interface generator generates a second user interface based on information received from the second media access client (0011).

**As to claim 43**, Stevenson teaches a user interface generator coupled to the first media access client; wherein the user interface generator is configured to generate a user interface having the information regarding the identified media items (0012-0013).

**As to claim 45**, Stevenson teaches the first user interface including information regarding media items stored in the media database (0013). As to claim 46, Stevenson also teaches the first user interface including information regarding media files stored in the media database, media lists stored in the media

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database, and information regarding the first media device 0011-0013).

**As to claim 48**, Stevenson teaches means for generating a user interface containing information related to the at least one media item, at least one media list, and at least one media device (0011-0013).

**As to claim 52**, the claim is analyzed as previously discuss with respect to claims 14 and 15.

### **Response to Arguments**

Applicant has argued that Stevenson fails to teach or suggest identifying media devices. However, Stevenson discloses at the abstract “A communications hub receives the media signal and transmits the media selection for play on a remote media device. A receiver configured to communicate with the communications hub and with the remote media device receives the media selection and communicates the media selection to the remote media device for play. A set of media preferences associated with an identifier allows for selectable access to media content. A plurality of remote interfaces each can be coded for generating an identifier, whereby using a particular remote interface invokes a set of media preferences”. It is clear that Stevenson teaches the step of identifying media devices.



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Applicant argued that Stevenson fails to teach aggregates and categorizes information regarding the identified media items. However, Stevenson cites at the abstract, Thus, the computer can act

as a media server to send pictures or videos to televisions, or to send music to stereos or other audio-capable devices. Identifier codes associated with user interface controls invoke a set of media preferences to control access to types or categories of media selections available at the remote locations.

Applicant has argued that Stevenson does not disclose the step of providing media content from a computer to media devices at locations remote from the computer. However, Applicant is corrected that the media devices at locations remote from the computer. However, both the media access client and the media access server are the software modules of the computer system.

Applicant's attention is directed to page 2, 0011, cites "A software module for storage on a computer and operable by the computer is provided to receive a media request for a media selection from a media source including video and audio data. The software module also is operable to retrieve the media selection in response to the media request, and to cause the computer to generate a media signal conveying the media selection." The software module is considered as "the media access server" as claimed. "A media request for a media selection" is considered as "the media access client" as claimed.

The software module and the media request for a media selection are local to the computer system. The media access server which is stored media

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information is the software module of the computer system. The media access client which is received request the media information from users is a software module as well.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4141.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo, can be reached at 571-272-4847.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Mylinh Tran

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/Weilun Lo/

Supervisory Patent Examiner, Art Unit 2179